

REMARKS

Claims 23, 29-31, 34-37, 42, 46-48, 50-62 and 65-67 are presented in this application, of which claims 23, 58, 62, 65, and 66 are presently amended, and claim 67 is new. The present amendments are fully supported by the original specification, claims, and drawings.

Claims 23, 29-32, 34-37, 39, 42, 43, 46-48, 50-57, 65, and 66 were rejected under 35 U.S.C. § 112, first and second paragraphs.

The language regarding the non-concurrent operations has been deleted from claim 23. Consequently, the rejection of claim 23 under this section is believed to be moot.

Claims 65 and 66 have been amended to clarify the grammar and intended meaning, not that there is a "rinsing for sanitizing" operation as mentioned in the Office Action, but that for sanitizing the portion of the dispensing path the sanitizing operation occurs non-concurrently with (a) the cleaning operation and (b) the rinsing. Claims 65 and 66 are thus definite and fully supported by the original disclosure. It is noted that the change in the previous amendment of recitations of a cleaning operation instead of a cleansing operation is proper because, as used for example in paragraph [0016] of the application, different types of cleansing operations include a sanitizing operation and a cleaning operation.

With respect to the indefiniteness rejection of claims 65 and 66 for the recitation that the cleansing fluid path being operably associated with the food delivery mechanism, these claims, as well as claims 23 and 62, have been amended to recite a cleansing fluid path through the food delivery mechanism, which satisfies the definiteness requirement. The rejections under section 112 are believed to be overcome.

Claims 23, 29-32, 34-36, 39, 42, 43, 46-48, 50-56, 62, and 64-66 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,762,096 to Mirabile ("the Mirabile '096 patent"). In addition, claims 37, 57, 58, 59, 60 and 61 have been rejected under 35 U.S.C. §103(a) as being unpatentable over the Mirabile '096 patent.

Claims 23, 58, 62, 65, and 66 have been amended to recite recirculating the cleansing fluid through the cleansing fluid path. This is supported, for example, in paragraphs [0053], [0187], and [0188] of the published application. In Mirabile, the water/detergent is simply flushed and drained from the device. (See, e.g., Mirabile at 7:30-41.) There is no teaching or motivation in the art of record to recycle or recirculate any cleansing fluid after it has flowed through a dispensing path of a food-product dispenser to clean it. Similarly, claim 50

further provides a mechanism for recirculating the cleansing fluid through the cleansing fluid path.

The claimed recirculation provides the surprising benefits over Mirabile that it allows the use of significantly less cleansing fluid and allows the reservoir for the cleansing fluid to be much smaller or eliminated. This is not the case with the water/detergent of Mirabile, which is flushed from the device instead of being recirculated. Claims 23, 58, 62, 65, and 66 are consequently not anticipated or obvious in view of the prior art.


Claim 51 defines using a heating device to heat the cleansing fluid as it is recirculated through the cleansing fluid path. This is similarly neither taught nor suggested in the art of record, in which fluid used to clean the device is purposefully drained, but not recirculated. Heating the recirculated fluid provides the additional surprising benefit that less heat needs to be applied since the recirculated fluid could already have an elevated temperature prior to passing a subsequent time through the heater. Also, providing a separate heater in the recirculation loop can allow the cleansing fluid to be heated differently than the water used for making a beverage, allowing a different heating cycle or temperature independent of the beverage water heater. Additionally, the temperature of the cleansing fluid can be controlled more precisely and can be increased gradually in place of using hot water (e.g., 80-90 °C) from the beginning of the operation, which could would cause proteins to adhere the walls of the tubing (see paragraph [0159] of the published application). New claim 67 recites the increasing temperature of the cleansing fluid during recirculation. Claims 51 and 67 are thus also patentably distinct from the art of record.

In light of the foregoing, a notice of allowance is respectfully requested. Should the Examiner have any questions or concerns regarding the amendments, remarks or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

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Respectfully submitted,


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